

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, MAY 12, 2015 – 7:00 P.M.

Mayor Fraim called the meeting to order at 7:00 p.m.

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CEREMONIAL MATTERS

President Fraim read a proclamation proclaiming the month of **May 2105 as Bike Month** in the City of Norfolk. Markus Wegener, Chairman of the Bike Commission accepted the proclamation.

President Fraim read a proclamation proclaiming the month of **May 2015 as Foster Care Month**. Steve Hawks, Director of Human Services, accepted the proclamation. He was accompanied by Human Services staff members Becky Downs, Shanice Nordstrom, Tonia Wheeler, Kiashanta Hernandez and foster parent, Michelle Greer.

PUBLIC HEARING

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on an Ordinance authorizing the exchange of parcels of real property between the **City of Norfolk and Norfolk Redevelopment and Housing Authority**.

Michael Clark, Norfolk Redevelopment and Housing Authority representative, 201 Granby Street, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance authorizing the exchange of parcels of real property between the **City of Norfolk and Norfolk Redevelopment and Housing Authority**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit mixed uses on property located at **935 Woodrow Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-1A

An Ordinance entitled, “An Ordinance granting a **Pedestrian Commercial Overlay District Development Certificate** to permit the renovation of an industrial building and conversion to mixed uses at **935 Woodrow Avenue,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit townhouses on property located at **3243 Granby Street,**” was introduced in writing and read by its title.

ACTION: The matter was continued generally.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as “Bottle Box” on property located at **325 West 21st Street, Suite B,**” was introduced in writing and read by its title.

Melissa Duenke and Stephanie Weil, 325 W. 21st Street were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-4

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as “Brick Anchor Brew-House” on property located at **241 Granby Street**,” was introduced in writing and read by its title.

Michael Gassett and Phil Smith, 241 Granby Street, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4A

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as “Brick Anchor Brew-House” on property located at **241 Granby Street**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Downtown Development Certificate** to permit the renovation of an existing building and the construction of a new building on properties located at **123 and 133 West Charlotte Street and 434 to 460 Boush Street**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an **Encroachment Agreement** with Paint, LLC., t/a Starving Artist Café, for property located at **4408 Colley Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting Marjorie L. Robertson to encroach into the right of way of a ten-foot alley east of **Keller Avenue**, with a six-foot tall wooden privacy fence,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **National Fish and Wildlife Foundation Grant** in an amount not to exceed \$80,000 for the implementation of Storm Water Best Management Practices and appropriating and authorizing the expenditure of the \$80,000 Grant and \$60,000 in matching funds for Water Quality Improvements Practices and Projects,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$1,548,476 **Storm Water Local Assistance Fund Grant** for the implementation of Flood Reduction and Environmental Sustainability and appropriating and authorizing the expenditure of the \$1,548,476 Grant and \$1,548,476 match funds for the Water Quality Improvement Projects,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$225,000 Grant Award from the **Commonwealth of Virginia, Office of the Attorney General, Violent Gang and Gun Crime Reduction Grant Program**, and appropriating and authorizing the expenditure of the funds for various expenses and projects of the Norfolk Police Department’s Project Safe Neighborhoods Program,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an amendment to the lease agreement with **Philly D, LLC, for 204 Main Street**, a property in the City of Norfolk, **SO AS TO** provide relief and rebate of rent due to construction and façade rehabilitation interfering with Lessee’s course of business,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the **Norfolk Police Foundation** to use the name of the Norfolk Police Department in soliciting charitable donations to be given to the City for use in support of the Police Department,” was introduced in writing and read by its title.

Attorney Eddie Wolcott, 7336 Shirland Avenue, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-13

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of \$3,449.63, plus interest, to **Choice Convenience, Inc.** based upon the overpayment of its business license tax for the year 2015,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-14

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of \$3,009.24, plus interest, to **Golf Management, Inc.** based upon the overpayment of admission taxes for the year 2015,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-15

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund in the amount of \$4,261.08, plus interest, to **Robert Frank Wright, Inc**, based upon the overpayment of business personal property taxes for the tax years 2012 through 2014,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 12, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

NEW BUSINESS

1. Thomas Calhoun, 5443 Welaka Road, commented that none of the four members of the school board should be re-appointed; that the board would need to hire a new superintendent, which is a very big task and reiterated that he is not in favor of the ward system for the election of school board members.
2. Yasmine Cooper, 212 West 29th Street, commented that the four members up for reappointment would still be in office in 2018 and questioned the process of appointing the school board by city council. Stated that her civic league had not received a letter outlining the process.
3. Danny Lee Ginn, 3844 Dare Circle, expressed dissatisfaction with the Resolution adopted by council on the rules and conduct in the council chamber.